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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,938	07/08/2003	Blaine R. Southam	200208271-1	9247

22879 7590 11/03/2004

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EXAMINER

DESTA, ELIAS

ART UNIT	PAPER NUMBER
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2857

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/614,938

Applicant(s)

SOUTHAM ET AL.

Examiner

Elias Desta

Art Unit

2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-26 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## Detailed Action

### Specification

1. The specification is objected to because of minor informalities:

➤ Page 1:

- Line 10: delete “To cite an” and replace with “For”;
- Line 11: delete “In such a” and replace with “In this”;
- Line 12: delete “a” before “city”;
- Line 13: insert ‘which are’ after “residence”, delete “, etc., and” and insert ‘where’ before “the web service”
- Line 18: after “instance” insert the phrase ‘the client may be’;
- Line 19: delete “, etc.”;
- Lines 20-22: rewrite the phrase as ‘... client may return the best provider/plan for the client relative to other web service providers which offer collected information from those services that is needed to help the client make the provider/plan determination.’

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### Allowance

3. Claims 1-26 are allowed. The following is an examiner's statement of reasons for allowance:

In reference to claims 1, 9, 16 and 22: McLain et al. (U.S. Patent 5,809,286) teaches a method and apparatus for emulating a dynamically configured digital cross-connect switch (DXC) network (see McLain et al., Abstract and Fig. 1). The invention relates to testing network monitoring and/or control systems (or known as MCS). The method is implemented in a computer for emulating the cross connect switch (see McLean et al., column 3, lines 5-18).

Unlike McLean et al., the claimed invention is a method for testing a network service. The method includes sending an initial request to the network service, redirecting a related request sent by the network service to an actual network service such that the related request does not reach the actual network service; and emulating operation of the actual network service; and returning at

least one response to the network service being tested, the at least one response being to the related request.

Citation of pertinent prior art:

- Barnhouse et al. (U.S. PAP 2003/0088707) teaches a network management system for monitoring and controlling a wide area network (WAN) and a plurality of intelligent switching nodes.
- Wolfe Jr. (IEEE Article, 'Base-band Emulators for the Protocol Testing of Multimedia Communication Networks') teaches testing and evaluating communication protocol design using analytic models, channel link simulation, discrete event (or Monte Carlo simulations), formal protocol verification, and RF Channel Matrix and field-testing.
- Zheng et al. (IEEE Article, 'Test and Evaluation of Wide Area Networks Using Emulating Cluster') teaches network emulation in synthetic network environment with one or more workstations.
- Mason (IEEE Article, 'Ensuring Network Integrity') teaches a network-testing scheme to check the conformity of systems, including software and hardware, against a signaling system No. 7 standard (which uses an SS7 protocol where SS7 is a switch-to-

switch protocol that lets telephone switches set up calls, manage circuits and perform intelligent network functions).

The remaining claims are dependent upon claims 1, 9, 16 and 22 and contain further limitations.

### Conclusion

4. This application is in condition for allowance except for the objections to specification as noted above.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire TWO MONTHS from the mailing date of this letter.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elias Desta whose telephone number is (571)-272-2214. The examiner can normally be reached on M-Thu (8:30-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached on (571)-272-2216. The fax phone numbers for the organization where this application or proceeding is

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assigned are (703)-308-5841 for regular communications and (703)-872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)-272-1750.

Elias Desta  
Examiner  
Art Unit 2857

-ed

October 26, 2004



HARICK ASSOUD  
PRIMARY EXAMINER